

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
ATLANTA DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	1:10-CV-0135-CAP
	:	
\$144,268.28 SEIZED FROM	:	
WACHOVIA BANK ACCOUNT	:	
NUMBER X-3010; \$34,971.50	:	
SEIZED FROM IRONSTONE BANK	:	
ACCOUNT X-7175; AND \$75,780.25	:	
SEIZED FROM FIDELITY BANK	:	
ACCOUNT X-8323,	:	
	:	
Defendants,	:	
	:	
MICHAEL T. MADLEM,	:	
	:	
Claimant.	:	

CLAIMANT MICHAEL MADLEM'S ANSWER
AND DEMAND FOR JURY TRIAL

Claimant Madlem files the following answer and demand for jury trial in this civil forfeiture action.

Answer

1. Claimant admits the allegations in paragraphs 1 - 5, and 7 - 22.
2. Claimant denies the allegations in paragraphs 23 and 24.
3. Claimant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 6.

4. Claimant asserts as to paragraph 10, that he is also the President and CEO of Mad Dog USA Enterprises, LLC.

5. Claimant asserts as an affirmative defense and/or to mitigate a forfeiture that the forfeiture of “any and all funds seized from Mad Dog USA Enterprises, LLC’s bank accounts, including the Defendant Funds,” would be constitutionally excessive and violate the Excessive Fines Clause of the Eighth Amendment of the United States Constitution. Claimant pleads this affirmative defense under F.R.C.P. 8; Rule G(8)(e), Supplemental Rules for Asset Forfeiture Actions; and F.R.Cr.P. §983(g).

6. Claimant asserts as an affirmative defense that the Defendant Funds are proceeds from legitimate business activity, and that Claimant had legitimate business reasons for making the cash deposits the way he did.

Demand for Jury Trial

Pursuant to F.R.C.P. 38, Claimant demands a jury trial in this civil forfeiture action.

WHEREFORE, Claimant prays:

- (1) That the Court deny forfeiture of the Defendant Funds and dismiss this civil forfeiture action with prejudice;
- (2) That the Court grant a jury trial in this civil forfeiture action;
- (3) That the Court award Claimant the cost of this civil forfeiture action; and

(4) That the Court grant such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Steven H. Sadow

STEVEN H. SADOW

ATTORNEY FOR CLAIMANT MADLEM

260 Peachtree Street, N.W.
Suite 2502
Atlanta, Georgia 30303
(404) 577-1400

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2010, I electronically filed the foregoing document with the Clerk of Court using the ECF system that will automatically send e-mail notification of such filing to all parties of record.

/s/ Steven H. Sadow

STEVEN H. SADOW